

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SCOTT PELLEGRINO, on behalf of himself and all others  
similarly situated; and CHRISTINE VANOSTRAND, on  
behalf of herself and all others similarly situated,

Plaintiffs,

– against –

NEW YORK STATE UNITED TEACHERS; UNITED  
TEACHERS OF NORTHPORT, as representative of the class  
of all chapters and affiliates of New York State United  
Teachers; NORTHPORT-EAST NORTHPORT UNION  
FREE SCHOOL DISTRICT, as representative of the class of  
all school districts in the state of New York; ANDREW  
CUOMO, in his official capacity as Governor of New York;  
BARBARA UNDERWOOD, in her official capacity as  
Attorney General of New York; JOHN WIRENIUS, in his  
official capacity as chair of the New York Public Employment  
Relations Board; and ROBERT HITE, in his official capacity  
as member of the New York Public Employment Relations  
Board,

Defendants.

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**ECF Case**

Docket No.  
2:18-CV-03439  
(JMA/GRB)

**NOTICE OF MOTION  
TO DISMISS**

**PLEASE TAKE NOTICE** that upon the annexed affidavit of Robert Howard, dated January 11 2019, declaration of John H. Gross, dated January 21, 2019, the Memorandum of Law, dated January 21, 2019, and the attached exhibits, all submitted in support of this Motion to Dismiss the Complaint, and upon all prior pleadings and proceedings herein, the Defendant NORTHPORT-EAST NORTHPORT UNION FREE SCHOOL DISTRICT, by their attorneys, Ingerman Smith, L.L.P., will move this Court before the Honorable Joan M. Azrack, United States District Court Judge for the Eastern District of New York, at the United States Courthouse located at 100 Federal Plaza, Central Islip, New York 11722, in accordance with the parties' briefing schedule, for an Order pursuant to Rule 12(b)(1), (b)(6), and (b)(7) of the Federal Rules

of Civil Procedure, dismissing all causes of action against the District and for such other and further relief as the Court deems proper and just.

**PLEASE TAKE FURTHER NOTICE** that in accordance with the Court's Briefing Schedule of October 31, 2018, the Plaintiff will serve papers in opposition to this motion on or before April 22, 2019.

Dated: Hauppauge, New York  
January 21, 2019

Yours, etc.  
INGERMAN SMITH, L.L.P.  
*Attorneys for Defendant*  
NORTHPORT-EAST NORTHPORT  
UNION FREE SCHOOL DISTRICT,

By: /s/John H. Gross  
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